

## COMMERCIAL STREET TASK FORCE MEETING

October 7, 2009

5:30 p.m.

Midtown Carnegie Branch Library – Basement Conference Room

**MEMBERS** Nicholas Ibarra, Chair; Doug Burlison; Cynthia Rushefsky; Mike MacPherson; Lyle Foster;  
**PRESENT:** Cindy Stephens; Mary Collette; Rusty Worley; Phyllis Ferguson; Mark Davis; Pauletta Dunn;  
Steve Weimer; and Jack Pugh.

### MEMBERS

**ABSENT:** Laura Derrick; Bob Pilkington; and Jim Harriger.

### STAFF

**PRESENT:** Nancy Yendes, Assistant City Attorney; and Anita Baker Climer, City Clerk's Office.

**GUESTS:** Donnie Rodgers, Urban Districts Alliance; Ted O'Neill, and Pat O'Neill, Midtown; Lynn Remmack, Grant Beach Neighborhood/Victory Mission; Jeff Rens, The Kitchen, Inc.; and Kary Booher, Springfield News Leader.

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Nicholas Ibarra called the meeting to order at approximately 5:35 p.m., and welcomed everyone.

The Task Force reviewed the meeting minutes of September 16, 2009.

Ms. Collette requested that on page 3 the following wording be added to the 7<sup>th</sup> paragraph down from the top after the sentence where she commented that \$60,000 of the recent settlement monies from AT&T should be allotted for a Community Policing Office (COP) on Commercial Street versus going towards the Police/Fire Pension Fund:

She noted that she doesn't feel that it should be the responsibility of the merchants, residents, and property owners to pay for a COP officer for the Commercial Street area.

Ms. Collette moved to approve the September 16, 2009 meeting minutes as revised.

Steve Wiemer seconded the motion, and it was approved.

Phyllis Ferguson thanked Anita Baker Climer, City Clerk's Office, for trying to draft concise meeting minutes of the Task Force.

Mike MacPherson, Planning and Development, discussed a draft copy of the staff's recommendations regarding the issue of Commercial Street. *(Please refer to Exhibit A located within the City Clerk's Office for additional information.)*

Mr. MacPherson informed the Task Force that Nancy Yendes, Assistant City Attorney, would be late due to another commitment.

Mr. MacPherson briefly discussed that several internal City staff meetings have been held regarding the issue of Commercial Street.

Mr. MacPherson highlighted the introduction, issues, and proposed recommendations of some of the City staff, such as himself, Ms. Yendes, Ralph Rognstad, Planning and Development, Nick Heatherly, Building Development Services, and Donnie Rodgers, Urban District Alliance (UDA), during the discussion.

Mr. MacPherson explained that he feels that since the City Council developed a Tax Increment Financing Redevelopment Plan for Commercial Street, private reinvestment, which would capture tax revenues, should be encouraged.

Mr. MacPherson informed the Task Force that he recently spoken with Mr. Harriger, who was unable to attend tonight's meeting, regarding the proposed recommendations.

Mr. MacPherson briefly discussed a "Narconon" drug prevention and rehabilitation treatment facility near a lake close to Canadian, Oklahoma, which is isolated, and not closely located near residential or commercial type developments.

Following further discussion, Mr. MacPherson requested input from the Task Force regarding the proposed recommendations. He briefly addressed that additional information, such as more detailed history about Commercial Street, would be provided within the finalized report.

Mr. MacPherson noted that the Cooks Kettle Restaurant should be added on Recommendation No. 5. Ms. Ferguson added that Big Momma's Café should also be added.

Mr. MacPherson suggested that a redevelopment zone be created for the Commercial Street area, which could restrict the uses for the area, and that design guidelines should be established to help protect the historical area.

Several of the Task Force members expressed disappointment in some of the proposed recommendations, and would not endorse the proposed until some additional questions have been addressed by the Law Department.

Lyle Foster left the meeting at approximately 5:46 p.m.; however, he returned at approximately 5:50 p.m.

Jack Pugh briefly addressed that he feels that the proposed recommendations seems to be "what the City wants to say" versus what the Task Force feels should be recommended. He expressed that he feels that the Law Department should have been more involved in their meetings to help guide and advise the Task Force regarding the issues pertaining to Commercial Street.

The Task Force and Mr. MacPherson briefly made comments regarding Ordinance No. 4763. *(Please refer to Exhibit B located within the City Clerk's Office for additional information.)*

Cindy Rushefsky briefly referred to the charge of the Task Force, and reported that she believes that there are additional issues that need to be addressed before the Task Force can make their recommendations regarding Commercial Street.

Mark Davis noted his agreement with Mr. Pugh, and expressed he feels that additional questions need to be addressed by the Law Department regarding the issue of Commercial Street.

Mr. MacPherson noted that the proposed recommendations are a "starting point" to begin discussions regarding what the Task Force would like to recommend to the City Council in the future and are only proposed recommendations. He stated that these proposed recommendations are not "set in stone."

Ms. Rushefsky briefly explained that she feels the proposed recommendations are "vague" and general, and does not know if these proposed recommendations would be "defendable" at this time.

The Task Force continued to discuss the proposed recommendations from the staff.

The Task Force also discussed their timeline regarding their final report to the City Council, as well as the possibility of recessing their meetings until the Law Department can address their questions regarding the issue of Commercial Street. *(Please refer to Exhibit C located within the City Clerk's Office for additional information.)*

Rusty Worley arrived at approximately 6:10 p.m.

Mr. Ibarra apologized to the Task Force for not requesting that a representative from the Law Department be present at all of their meetings.

Mary Collette addressed that she feels that the proposed recommendations are a good starting point to address the issue of Commercial Street as an historical district, which should be protected. She expressed that she likes the idea of a redevelopment zone for Commercial Street, which could restrict uses for the area. Ms. Collette noted that she doesn't feel that the Task Force has to "tweak" every aspect of the City's regulations to help preserve the Commercial Street area, but should create a "framework" regarding the Commercial Street area.

The Task Force continued to discuss the issue of Commercial Street.

Steve Wiemer briefly explained that he feels that although "framework" would be nice for the Commercial Street area, there are still issues, such as the homeless, that should be addressed.

Following further discussion, Lyle Foster briefly discussed that he feels that the Task Force shouldn't make any firm decisions or recommendations about Commercial Street until the Law Department has addressed the questions that have been proposed from the Task Force. He explained that he feels that a COP officer is needed on Commercial Street at this time to help enforce regulations and to keep the area safe despite of the City's budget issues.

Mr. Ibarra expressed that he wants the Task Force to have a "defendable" solution.

The Task Force continued to discuss the proposed recommendations, as well as their charge.

Mr. Pugh addressed that he does not feel that various kinds of businesses should be limited to the Commercial Street area, such as only encouraging "artisan foods" interest. He added that he also feels that addressing the issue of homelessness should be a "community wide discussion" not just for the Continuum of Care Committee. Mr. Pugh noted that he feels that another Task Force should be established by the Mayor to examine the issue of homelessness within the City. He also explained that he doesn't feel that proposed recommendations No. 5 should be included as a recommendation.

Mr. Worley noted that the UDA had input regarding proposed recommendation No. 5. He briefly addressed that part of the charge also focuses upon the Commercial Street Strategy for Success, which is the reason for proposed recommendation No. 5.

Mr. Ibarra agreed with Mr. Pugh's comments regarding the issue of homelessness being a "community wide" issue, and how it should be addressed in the future.

Mr. Davis voiced his agreement with Mr. Pugh's comments regarding proposed recommendations No. 4 & 5. He briefly discussed the importance of having the recommendations come from the Task Force as opposed from the City staff.

Mr. MacPherson briefly reported that City staff reviewed some various models of other communities that have districts similar to Commercial Street, but none that were specific. He reiterated that the proposed recommendations were to stimulate discussion among the Task Force.

Ms. Ferguson briefly discussed that the City of Joplin recently completed a study regarding the issue of homelessness, which she expressed she would like more information about. She expressed that she feels that the Task Force needs to obtain more information from the Law Department before proceeding with the proposed recommendations.

Ms. Ferguson also noted that she did not see any proposed definition regarding a “hostel” within the proposed recommendations. Mr. Ibarra agreed, and requested that the Law Department provide further information pertaining to the issue of a “hostel.”

Mr. Wiemer and Mr. MacPherson briefly addressed the issue of the Tax Increment Financing (TIF) plan and the Community Improvement District (CID) for Commercial Street.

Mr. Wiemer discussed that if businesses, which help generate sales tax revenues to help the fund the TIF and CID, don’t success or grow (above the baseline), then the funds would not be available to help sustain the Commercial Street area. Mr. Wiemer expressed that he feels that business growth and success is needed for the Commercial Street area.

Mr. MacPherson noted that sales tax revenues are not the only revenues pertaining to the TIF and CID it also includes capturing the property tax revenues as well.

Rusty Worley briefly made comments regarding the issue of Commercial Street, as well as the proposed recommendations. He reported that he feels that the community would still be involved regarding the issue of the homeless, but the Continuum of Care Committee would be helping to lead the efforts. Mr. Worley addressed that the Strategy for Success was discussed at a previous meeting.

The Task Force also continued to discuss the possibility of recessing their meetings until the Law Department can address their questions regarding the issue of Commercial Street, as well as their charge. (*Exhibit C*)

Mr. Ibarra briefly explained that he feels that there has been “give and take” on both sides of the issue pertaining to Commercial Street; however, more compromise may be needed in the future. He reported that he feels that the issue of integrity is a very important aspect that needs be addressed.

Mr. Pugh addressed that he feels that a solid base is needed to construct the recommendations of the Task Force, which is why the Law Department should be a part of the Task Force’s proposed recommendations to the City Council.

Ms. Rushefsky discussed that a “neutral, rational and reasonable basis” should also be included regarding the proposed recommendations of the Task Force. She expressed that she feels that other areas of the City may have issues of the City positively supporting one particular area of the City, such as Commercial Street, versus their area or the City as a whole, and briefly reviewed the proposed recommendations. Ms. Rushefsky noted that the Task Force should consider whether the City is trying to protect the Commercial Street area or trying to control it regarding the proposed recommendations.

Following further discussion, Ms. Yendes noted that she is currently working on the questions posed by the Task Force.

Ms. Yendes briefly responded to questions posed by the Task Force.

Ms. Yendes noted that the Law Department had privileged and confidential communications with the City Council in the past regarding Ordinance No. 4763. She added that a majority of City Council (at least 5 members needed) would have to approve the release of the communications, before she would be allow to continuing any discussion pertaining to Ordinance No. 4763.

Ms. Yendes noted that there are some legal issues associated with Ordinance No. 4763; however, would not elaborate on these issues at this time.

The Task Force, per consensus, decided to conduct next week's meeting as scheduled.

Mr. Ibarra briefly expressed that he feels an extension of the City's administrative delay regarding the issue of new construction on Commercial Street could possibly be an option to further address the issues at hand in the future, if needed, versus trying to rush to meet the deadline regarding the Task Force.

Ms. Yendes briefly discussed an example similar to Commercial Street, which was Yuma, Arizona. She noted that she would provide the Task Force with additional information in the future.

Ms. Yendes noted that there are several vacant lots on or near Commercial Street at this time. She added that the Task Force should keep the following in mind regarding their proposed recommendations:

1. What do they want Commercial Street to look like?
2. What are the uses that would be compatible regarding this vision regarding what Commercial Street should look like in the future?

Mr. Ibarra added that another questions should be "How much control should be involved?" relating to the City encouraging the success of the Commercial Street area."

Ms. Collette briefly addressed that the she feels that there are currently regulations in place to help try to preserve the exterior portions of the buildings, as well as "design guidelines" for the Commercial Street area. She noted that it is already difficult to follow specific design guidelines/regulations set forth by the federal government regarding rehabbing the structures on Commercial Street at this time, which isn't the same for other areas of the City. Ms. Collette explained that Commercial Street merchants also have to contend with the social service provides on top of the strict guidelines/regulations already in place. She noted that we need to protect the Commercial Street area.

The Task Force continued to discuss the issue of Commercial Street.

Ms. Yendes noted that she would not be available to attend next week's meeting until 6:00 p.m., so the Task Force decided, per consensus, to conduct next week's meeting at 6:00 p.m.

The next Task Force meeting is scheduled for Wednesday, October 14, 2009 at 6:00 p.m.

With no further discussion, the meeting adjourned at approximately 7:00 p.m.

## **COMMERCIAL STREET TASK FORCE RECOMMENDATIONS FROM STAFF DRAFT**

### **INTRODUCTION**

**Commercial Street is recognized both locally and nationally as a historic district and local legislation has been enacted to protect the character and integrity of the district. The Landmark's Board serves as a public board to review plans and specifications for improvements to the district's structures and issue "Certificates of Appropriateness" when the approved design standards criteria and conditions are met. Commercial Street is also unique in that there is no other district in the City with similar characteristics and qualities.**

**In addition to the historic qualities, and due to its unique sense of presence, the District provides the potential for economic development opportunities as a destination location. The opportunities are outlined in a comprehensive economic development strategy entitled "The Commercial Street Strategy for Success", which was accepted and approved by the City Council in February of 2006. The support of this redevelopment economic development strategy was further underscored in 2007 when the City Council directed staff to develop a Tax Increment Financing Redevelopment Plan to capture tax revenues for public improvements to facilitate and encourage private reinvestment on the Street.**

### **ISSUES**

- 1. New development activity should not impede or negatively impact redevelopment reinvestment activity as is proposed in the Commercial Street Strategy for Success, and/or the Commercial Street Tax Increment Financing Redevelopment Plan.**
- 2. New construction should provide for an appropriate mix and balance of new and old construction and the ambience and character of the district is protected and enhanced.**
- 3. A disproportionate number of homeless service agencies and recipients exist on Commercial Street as compared to the remainder of the City's land area. The vision statement of the Strategy for Success stresses that homeless service agencies and their clients will be integrated into the fabric of the street and provide a positive influence and contribution to the economy. However, the plan focuses on a balance between uses and no one service or business should dominate the district. The land use mix should be as diverse as possible to attract the largest range of customers and residents. The proposed use of building a 210 bed facility on Commercial Street and Boonville would negatively impact that fragile balance of uses.**

The "spillover" of unserved homeless attracted to the street by service providers has and is causing negative impacts both on the street and in the surrounding neighborhoods. In addition, a certain stigma is perceived by the recipients of the service which may be obviated by dispersing future service providers and limiting existing ones to current levels.

## **RECOMMENDATIONS**

**Recommendation #1.** To maintain the unique historic nature of the Commercial Street area and to protect it from infringing influences that may diminish or dilute the historic ambience, a zone around the historic district matching the boundaries of the TIF District should be created that regulates building heights, intensity of use, materials used and uses that may take place in such buildings or structures that are consistent or similar to the ones allowed in the District itself.

**Recommendation #2.** Because the revitalization of the street and the Historic District and immediate environs is integral to the continued economic vitality of the Center City area as is evidenced in the Strategy for Success and further supported in the Tax Increment Financing Redevelopment Plan, the City should limit or prohibit uses that negatively impact the potential tax revenues, or cause a reduction in tax revenues that are proposed to finance redevelopment activity. The City should identify lawful strategies and ordinances which may be adopted that will insure the Tax Increment Financing Plan and the Community Improvement District is economically viable, and that the Strategy for Success may be further implemented and able to achieve the stated goals.

**Recommendation #3.** The District needs to maintain a clean, safe, and friendly atmosphere. A community policing presence on Commercial Street needs to be a priority to protect existing and promote continued investment. Loss of the COP officer is a major hurdle for the Commercial Street District to overcome to maintain a clean, safe, and friendly atmosphere as encouraged by the Strategy for Success. Reinstatement of this officer should be a priority once police funding and staffing levels begin to return to normal.

**Recommendation #4.** Long-term efforts should be implemented through the Continuum of Care to disperse homeless services throughout the City in small concentrations and/or locate those services in a neutral "campus" setting, not conflicting with other, residential, or commercial uses.

**Recommendation #5.** Expansion of the future district description to include an Artisan Foods emphasis within the Strategy for Success. The artisan foods interest has developed since the plan was adopted by council and the Strategy should be further developed to explore how this area can be expanded on. Currently the district features Askinosie Chocolate on the east end, Pizza House towards the center of the district and with C-Street Brewing coming on line by the end of 2009 of the west end of the district. Further interest has been expressed by both a butcher and a baker to locate in the district. The development of an Artisan Food District could serve as an attraction to the local and regional community as a source of locally grown and produced goods.

Pub. Imp. \_\_\_\_\_  
 Govt. Grnt. \_\_\_\_\_  
 Emer. \_\_\_\_\_  
 P. Hrngs. 12-15-97  
 Pgs. 13  
 Filed: 12-9-97

*12-18-97 - amended  
 prior to  
 public hearing*

Sponsored by: Vanaman

First Reading: November 24, 1997  
 Amended Substitute No. 2  
 COUNCIL BILL NO. 97 - 331

Second Reading: December 15, 1997  
 GENERAL ORDINANCE NO. 4763

# AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, Article I,  
 2 Zoning, Section 3-3300, Conditional Use Permits,  
 3 Division I, Intent, Purpose and General Provisions, and  
 4 Division IV, District Regulations, to provide for the  
 5 location of Emergency Shelters, Soup Kitchens, and  
 6 Transitional Services Shelters.

10  
 11  
 12  
 13 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI,  
 14 as follows:

15  
 16 Section 1 - The City of Springfield City Council hereby  
 17 declares and finds as follows with respect to the placement, access  
 18 to and land use requirements for emergency and transitional  
 19 homeless shelters and soup kitchens within Springfield, Missouri  
 20 based on public comment received over the past year through public  
 21 hearing, written communications, the Fixing Broken Windows  
 22 Committee and community experience with provision of services to  
 23 the homeless:

24  
 25 1. That the two largest emergency homeless shelters and  
 26 combined soup kitchens are within 800 feet of each other on  
 27 Commercial Street in the Center City district and that this  
 28 concentration of use is located in a fragile, historically  
 29 significant commercial area, and have been so located for a number  
 30 of years. Two other emergency shelters or soup kitchens are  
 31 located within one-half mile of Commercial Street.

32  
 33 2. That homeless emergency and transitional service shelters  
 34 run by private organizations serve an important purpose and need in  
 35 this and other communities in providing a safety net for



36 individuals and in breaking the cycle of poverty when participants  
37 are able to follow a continuum of services. Therefore, to the  
38 greatest extent possible, such uses should be located in districts  
39 with similar uses throughout the City, or permitted in additional  
40 districts where residential services are not allowed or severely  
41 restricted.  
42

43 3. Despite the important need such facilities fill, a  
44 concentration of shelters in the Commercial Street area has  
45 resulted in adverse impacts on surrounding land use due to  
46 loitering, littering, blockage of public sidewalks, sleeping in  
47 cars and similar ordinance violations. Council finds that any  
48 greater concentration of shelters or soup kitchens in the  
49 Commercial Street or immediate downtown area will have an adverse  
50 impact on the vitality of those areas and may result in the loss of  
51 historically significant businesses and buildings.  
52

53 4. That a concentration of homeless services, including soup  
54 kitchens that did not restrict service to persons residing in the  
55 emergency shelters, in the Commercial Street area itself had been  
56 detrimental to the continued vitality of that area and resulted in  
57 the need to open a police substation on that street itself.  
58

59 5. That the dispersal to some degree of emergency shelters  
60 would assist in the provision of meaningful services to the  
61 homeless, avoid a stigmatization of such person by location,  
62 distribute children residents of shelters throughout the  
63 Springfield R-12 school district, and avoid adverse impacts  
64 associated with a concentration of shelters themselves on adjacent  
65 land use. This dispersal should be accomplished by a separation  
66 between shelters and in placement in zoning districts where  
67 experience indicates the shelter will not be impeded in its ability  
68 to serve the homeless while reducing any adverse impact on any  
69 adjacent land uses. At present, overnight shelters are not allowed  
70 in General Manufacturing or Heavy Manufacturing, and permitting  
71 this use in these two zones will allow more flexibility in the  
72 location of future shelters.  
73

74 6. That the requirement for a use permit in other districts  
75 where emergency shelters and soup kitchens may be located under  
76 this ordinance will allow for the reduction of adverse impact on  
77 adjacent land uses.  
78

79 7. That at present all emergency shelters feed their  
80 clientele on the premises and do not feed persons who are not  
81 clientele. Council further finds that soup kitchens not associated  
82 with an existing emergency shelter provide a needed service to  
83 persons who are not homeless or in need of emergency or  
84 transitional service assistance. Therefore, such soup kitchens  
85 need not be in close proximity to emergency shelters, or each  
86 other, to provide service and a separation of some distance is  
87 desirable to disperse this use through out the community.  
88

89 8. That soup kitchen operations have a distinct and different

0 impact on adjacent land use from a restaurant or a theater where  
1 patrons gather to attend or dine as the patrons of soup kitchens  
2 gather before the meal as much as one hour in advance, and remain  
3 on or near the property for various lengths of time following the  
4 meal. Soup kitchens serve meals at specified times, with the  
5 potential of concentrating the arrival and departure of patrons.  
6

7 9. That it is in the public safety, health and general  
8 interest that transitional service shelters be main streamed to the  
9 greatest extent possible into the general uses of land within the  
10 City similar in intensity and general impact on adjacent uses and  
11 that to that extent, they should be an allowed use in some  
12 commercial areas where other residential uses are not allowed and  
13 in those districts where shelter and additional services are  
14 offered to persons in profit making institutional settings.  
15

16 10. That transitional housing itself should be permitted in  
17 all zones where the same type of housing is available for  
18 compensation to allow for a final stage of integration into the  
19 mainstream for homeless persons and their families who are  
20 completing the continuum of services that is indistinguishable from  
21 other living arrangements in this community.  
22

23 Section 2 - That Chapter 36 of the Springfield City Code,  
24 Article I, Zoning, Section 2-1100 Definitions, is hereby amended by  
25 enacting five new definitions, which new definitions shall read as  
26 follows:  
27

28 Emergency Shelter - A shelter whose services are available  
29 for up to thirty days at any one time to residents.  
30

31 Shelter - A building or other structure where lodging, or  
32 lodging and meals, are provided to a person or persons, unrelated  
33 by family to the provider, at no cost or at a charge that is less  
34 than the full cost of providing same, whether or not additional  
35 services are provided at that location. Such additional services  
36 may include, but are not limited to, counseling and drug or alcohol  
37 rehabilitation, except that "shelter" shall not include any of the  
38 following:  
39

40 (1) Residential or custodial group homes as defined in  
41 this Section of the Zoning Ordinance;  
42

43 (2) Temporary lodging for non-Greene County resident  
44 families of patients, or patients themselves, of State  
45 licensed health facilities within Greene County;  
46

47 (3) University or educational institution residence  
48 halls;  
49

50 (4) Fraternity or sorority houses;  
51

52 (5) State and city licensed nursing homes and day care  
53 centers;  
54

145 (6) Foster homes licensed under Chapter 210, RSMo;

146  
147 (7) Hospitals, mental institutions, residential care  
148 facility or institution that is licensed by the State of  
149 Missouri under Chapters 197, 198, and 630, RSMo.

150  
151 (8) Shelters in time of natural disaster or calamity; and

152  
153 (9) Facilities for victims of domestic violence.

154  
155 Soup Kitchen - An establishment where prepared meals are  
156 provided to a person or persons unrelated by family to the provider  
157 at no cost or at a charge that is less than the full cost of  
158 providing same and that the provision of such meals is the  
159 principal service of the establishment, whether or not additional  
160 services are provided.

161  
162 Transitional Housing - A shelter which provides only lodging,  
163 or lodging and meals, for longer than thirty (30) days at any one  
164 time for residents, but does not provide other services on a  
165 continuing basis.

166  
167 Transitional Service Shelter - A shelter whose services are  
168 available for longer than thirty (30) at any one time to a  
169 resident, and which provides additional services other than lodging  
170 and meals, or lodging alone, in a group setting on the same  
171 premises, including, but not limited to, job counseling, life or  
172 parenting skill courses, drug or alcohol rehabilitation, money  
173 management, or job training. Such shelter may include office for  
174 staff of the providers and for counselors."

175  
176 Section 3 - That Chapter 36 of the Springfield City Code,  
177 Article I, Zoning, Section 3-3300, Use Permits, is hereby amended  
178 by enacting one new subsection 3-3310.B.6, Emergency and  
179 Transitional Service Shelters and Soup Kitchens, which new  
180 subsection shall read as follows:

181  
182 "6. Emergency and Transitional Service Shelters and Soup  
183 Kitchens.

184  
185 a. Purpose. The purpose of these regulations is to:

186  
187 (1) To provide opportunities for operation of emergency  
188 and transitional service shelters and soup kitchens while  
189 dispersing such facilities in order to avoid concentration of uses  
190 that can have a negative effect on adjoining property values and  
191 uses and to avoid stigma to the clients of such facilities based on  
192 a perception of any particular location of the City;

193  
194 (2) Avoid locating such facilities in close proximity to  
195 incompatible or hazardous land uses; and  
196

237 (3) Ensure that such facilities are operated in a  
238 responsible manner for the needs of the clients and surrounding  
199 land uses by minimizing any possible adverse effects on the  
200 surrounding neighborhood.  
201

202 B. Approval Standards. All applications for a conditional  
203 use permit for emergency and transitional service shelters and  
204 soup kitchens shall describe the type of service intended to be  
205 delivered at that location and comply with the following  
206 requirements.  
207

208 (1) The use shall front on a primary or secondary arterial  
209 street, if the property is zoned Restricted Industrial (RI), Light  
210 Industrial (LI), General Manufacturing (GM), or Heavy Manufacturing  
211 (HM), or on a collector street or a street with a higher functional  
212 classification as designated by the *Major Thoroughfare Plan* in any  
213 other district where permitted.  
214

215 (2) There shall be a maximum occupancy of 50 beds for  
216 emergency shelters in all districts.  
217

218 (3) Only residents of the shelter shall be served meals unless  
219 a soup kitchen is specifically approved as an activity at the time  
220 of the application for a use permit.  
221

222 (4) A business license shall be obtained annually and the  
223 owner shall verify that the conditions of the conditional use  
224 permit are still being met.  
225

226 (5) No emergency shelter or soup kitchen shall be located  
227 within Two Thousand (2000) feet of another emergency shelter or  
228 soup kitchen, or Two Thousand (2000) feet from any transitional  
229 service shelter as measured from property lines.  
230

231 (6) No transitional service shelter shall be located within  
232 Two Thousand (2000) feet of transitional service shelters,  
233 emergency shelters, or soup kitchens as measured from property  
234 lines.  
235

236 (7) The proposed conditional use shall not be operated so as  
237 to dominate the immediate vicinity or to interfere with the  
238 development and use of neighboring property in accordance with the  
239 applicable district regulations. In determining whether the  
240 proposed use will dominate the immediate neighborhood,  
241 consideration shall be given to:  
242

243 (A) The functional classification of the street on which the  
244 site is located; and  
245

246 (B) The surrounding residential districts; and  
247

248 (C) The location, nature and height of buildings, structures,  
249 walls and fences on site; and  
250

(D) The amount of parking needed for the proposed use and the amount of parking provided on site; and

(E) The nature and extent of landscaping and screening on the site; and

(F) The number of visitor trips anticipated each day to the site for services other than lodging, or lodging and meals for clients of the shelter; and

(G) The number of meals that will be served at a soup kitchen.

(8) At least one off-street parking space for every three beds a shelter is to be licensed or approved for or for every three seats a soup kitchen is authorized for the serving of meals except in those districts where there is no parking requirement.

(9) That adjacent uses do not involve the manufacture, storage or use of explosive compounds or combustibles which will pose a threat of bodily harm to the clients and visitors of the shelter or soup kitchen.

(10) Any structure is set back from adjoining land in other districts by the rear yard setback required in the adjoining district.

(11) Existing on-site trees and shrubs shall be preserved to the maximum extent possible.

(12) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit."

Section 4 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-1002, Permitted Uses, R-SF - Single Family District, is hereby amended by enacting one new subsection 4-1002.O, which new subsection shall read as follows:

"Subsection 4-1002.O. Transitional housing for single family use."

Section 5 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-1102, Permitted Uses, R-TH - Residential Townhouse District, is hereby amended by enacting one new subsection 4-1102.Q, which new subsection shall read as follows:

"Subsection 4-1102.Q. Transitional housing for single family or low to moderate residential density."

Section 6 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-1202, Permitted Uses, R-LD - Low-Density Multi-Family District, is hereby amended by enacting one new subsection 4-1202.R, which new subsection shall read as follows:

305 "Subsection 4-1302.R. Transitional housing for multi-family  
306 use or for single family use if existing at the time the district  
307 was mapped."  
308

309 Section 7 - That Chapter 36 of the Springfield City Code,  
310 Article I, Zoning, 4-1302, Permitted Uses, R-MD - Medium-Density  
311 Multi-Family District, is hereby amended by enacting one new  
312 subsection 4-1302.P, which new subsection shall read as follows:  
313

314 "Subsection 4-1302.P. Transitional housing for multi-family  
315 use."  
316

317 Section 8 - That Chapter 36 of the Springfield City Code,  
318 Article I, Zoning, 4-1303, Conditional Uses, R-MD - Medium-Density  
319 multi-Family District, is hereby amended by enacting one new  
320 subsection 4-1303.J., which new subsection shall read as follows:  
321

322 "Subsection 4-1303.J. Transitional Service Shelters."  
323

324 Section 9 - That Chapter 36 of the Springfield City Code,  
325 Article I, Zoning, 4-1402, Permitted Uses, R-HD - High-Density  
326 Multi-Family District, is hereby amended by enacting one new  
327 subsection 4-1402.R, which new subsection shall read as follows:  
328

329 "Subsection 4-1302.R. Transitional housing for multi-family  
330 use."  
331

332 Section 10 - That Chapter 36 of the Springfield City Code,  
333 Article I, Zoning, 4-1403, Conditional Uses, R-HD - High-Density  
334 multi-Family District, is hereby amended by enacting one new  
335 subsection 4-1403.H., which new subsection shall read as follows:  
336

337 "Subsection 4-1403.H. Transitional Service Shelters."  
338

339 Section 11 - That Chapter 36 of the Springfield City Code,  
340 Article I, Zoning, 4-1502, Permitted Uses, R-MHC - Manufactured  
341 Home Community, is hereby amended by enacting one new subsection 4-  
342 1502.O, which new subsection shall read as follows:  
343

344 "Subsection 4-1502.O. Transitional housing for single family  
345 use."  
346

347 Section 12 - That Chapter 36 of the Springfield City Code,  
348 Article I, Zoning, 4-2002, Permitted Uses, Office Districts, is  
349 hereby amended by repealing subsection 4-2002.E., and enacting a  
350 new subsection 4-2002.E, which new subsection shall read as  
351 follows:  
352

353 "Subsection 4-2002.E. Churches and other places of worship,  
354 including parish houses and Sunday schools, and overnight emergency  
355 shelters for fifty (50) or fewer residents and soup kitchens as  
356 accessory uses."  
357

358 Section 13 - That Chapter 36 of the Springfield City Code,

Article I, Zoning, 4-2102, Permitted Uses, GI - Government and Institutional Use District, is hereby amended by repealing subsection 4-2102.F., and enacting a new subsection 4-2102.F, which new subsection shall read as follows:

"Subsection 4-2102.F. Churches and other places of worship, including parish houses and Sunday schools, and overnight emergency shelters for fifty (50) or fewer residents and soup kitchens as accessory uses."

Section 14 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3202, Permitted Uses, HC - Highway Commercial District, is hereby amended by enacting a new subsection 4-3202.NNN, which new subsection shall read as follows:

"Subsection 4-3202.NNN. Transitional Service Shelters provided that no transitional service shelter shall locate within a Two Thousand (2000) foot radius of another transitional service shelter, soup kitchen or emergency shelter."

Section 15 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3203, Conditional Uses, HC-Highway Commercial District, is hereby amended by enacting a new subsection 4-3203.F, which new subsection shall read as follows:

"Subsection 4-3203.F. Emergency shelters for fifty (50) or fewer residents."

Section 16 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3203, Conditional Uses, HC-Highway Commercial District, is hereby amended by enacting a new subsection 4-3203.G, which new subsection shall read as follows:

"Subsection 4-3203.G. Soup kitchens."

Section 17 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3302, Permitted Uses, CS - Commercial Services District, is hereby amended by enacting a new subsection 4-3302.UUU, which new subsection shall read as follows:

"Subsection 4-3302.UUU. Transitional Service Shelters provided that no transitional service shelter shall locate within a Two Thousand (2000) foot radius of another transitional service shelter, soup kitchen or emergency shelter."

Section 18 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3303, Conditional Uses, CS - Commercial Services District, is hereby amended by enacting a new subsection 4-3303.D, which new subsection shall read as follows:

"Subsection 4-3303.D. Emergency shelters for fifty (50) or fewer residents."

Section 19 - That Chapter 36 of the Springfield City Code,

Article I, Zoning, 4-3303, Conditional Uses, CS-Commercial Services District, is hereby amended by enacting a new subsection 4-3303.E, which new subsection shall read as follows:

"Subsection 4-3303.E. Soup kitchens."

Section 20 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3402, Permitted Uses, CC - Center City District, is hereby amended by repealing Subsection 4-4302.JJ, and enacting a new subsection 4-3402.JJ, which new subsection shall read as follows:

"Subsection 4-3402.JJ. Emergency shelters and soup kitchens legally conforming at the time of the passage of this ordinance provided that a use permit is obtained for any expansion of said use."

Section 21 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-3403, Conditional Uses, CC - Center City District, is hereby amended by enacting a new subsection 4-3403.G, which new subsection shall read as follows:

"Subsection 4-3403.G. Transitional service shelter."

Section 22 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4003, Conditional Uses, RI - Restricted Industrial District, is hereby amended by enacting a new subsection 4-4003.B, which new subsection shall read as follows:

"Subsection 4-4003.B. Emergency shelters for fifty (50) or fewer residents."

Section 23 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4003, Conditional Uses, RI - Restricted Industrial District, is hereby amended by enacting a new subsection 4-4003.C, which new subsection shall read as follows:

"Subsection 4-4003.C. Soup kitchens."

Section 24 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4103, Conditional Uses, LI - Limited Industrial District, is hereby amended by enacting a new subsection 4-4103.C, which new subsection shall read as follows:

"Subsection 4-4103.C. Emergency shelters for fifty (50) or fewer residents."

Section 25 - That Chapter 36 of the Springfield City Code, Article I, Zoning, 4-4103, Conditional Uses, LI - Light Industrial District, is hereby amended by enacting a new subsection 4-4103.D, which new subsection shall read as follows:

"Subsection 4-4103.D. Soup kitchens."



467        Section 26 - That Chapter 36 of the Springfield City Code,  
468 Article I, Zoning, 4-4202, Permitted Uses, GM - General  
469 Manufacturing District, is hereby amended by enacting a new  
470 subsection 4-4202.GG, which new subsection shall read as follows:  
471

472        "Subsection 4-4202.GG. Emergency shelters for fifty (50) or  
473 fewer residents, or soup kitchens, and located at least five-  
474 hundred (500) feet from a residential district, as measured from  
475 property lines provided that no emergency shelter or soup kitchen  
476 may locate within Two Thousand (2000) feet of any other emergency  
477 shelter or soup kitchen, or Two Thousand (2000) feet of any  
478 transitional service shelter as measured from property lines."  
479

480  
481        Section 27 - That Chapter 36 of the Springfield City Code,  
482 Article I, Zoning, 4-4302, Permitted Uses, HM - Heavy Manufacturing  
483 District, is hereby amended by enacting a new subsection 4-4302.UU,  
484 which new subsection shall read as follows:  
485

486        "Subsection 4-4302.UU. Emergency shelters for fifty (50) or  
487 fewer residents, or soup kitchens, and located at least five-  
488 hundred (500) feet from a residential district, as measured from  
489 property lines provided that no emergency shelter or soup kitchen  
490 may locate within Two Thousand (2000) feet of any other emergency  
491 shelter or soup kitchen, or Two Thousand (2000) feet of any  
492 transitional service shelter as measured from property lines."  
493

494        Section 28 - That Chapter 36 of the Springfield City Code,  
495 Article I, Zoning, 4-4303, Conditional Uses, HM - Heavy  
496 Manufacturing District, is hereby amended by enacting a new  
497 subsection 4-4303.G, which new subsection shall read as follows:  
498

499        "Subsection 4-4303.G. Emergency shelters for fifty (50) or  
500 fewer residents, or soup kitchens, which are located within five-  
501 hundred (500) feet from a residential district, as measured from  
502 property lines provided that no emergency shelter or soup kitchen  
503 may locate within Two Thousand (2000) feet of any other emergency  
504 shelter or soup kitchen, or Two Thousand (2000) feet from any  
505 transitional service shelter as measured from property lines."  
506

507        Section 29 - That Chapter 36 of the Springfield City Code,  
508 Article I, Zoning, 4-4203, Conditional Uses, GM - General  
509 Manufacturing District, is hereby amended by enacting a new  
510 subsection 4-4203.E, which new subsection shall read as follows:  
511

512        "Subsection 4-4203.E. Emergency shelters for fifty (50) or  
513 fewer residents, or soup kitchens, which are located within than  
514 five-hundred (500) feet from a residential district, as measured  
515 from property lines provided that no emergency shelter or soup  
516 kitchen may locate within Two Thousand (2000) feet of any other  
517 emergency shelter or soup kitchen, or Two Thousand (2000) feet from  
518 any transitional service shelter as measured from property lines."  
519

521        Section 30 - That Chapter 36 of the Springfield City Code,  
522 Article I, Zoning, 4-4403, Conditional Uses, IC - Industrial  
523 Commercial District, is hereby amended by enacting a new subsection  
524 4-4403.E, which new subsection shall read as follows:  
525

526        "Subsection 4-4403.E. Emergency shelters for fifty (50) or  
527 fewer residents.  
528

529        Section 31 - That Chapter 36 of the Springfield City Code,  
530 Article I, Zoning, 4-4403, Conditional Uses, IC - Industrial  
531 Commercial District, is hereby amended by enacting a new subsection  
532 4-4403.F, which new subsection shall read as follows:  
533

534        "Subsection 4-4403.F. Soup kitchens."  
535

536        Section 32 - That Chapter 36 of the Springfield City Code,  
537 Article I, Zoning, Division I - Intent, Purpose and General  
538 Provisions, is hereby amended by enacting a new section 1-1332,  
539 which new subsection shall read as follows:  
540

541        "Section 1-1332 **Transitional Housing**. Transitional housing  
542 is permitted in any district that allows residential uses provided  
543 it meets the same criteria for residential use permitted in the  
544 district."  
545

546        Section 33 - That Chapter 36 of the Springfield City Code,  
547 Article I, Zoning, Division I - Intent, Purpose and General  
548 Provisions, is hereby amended by enacting a new Section 1-1333,  
549 which new subsection shall read as follows:  
550

551        "Section 1-1333 **Emergency Shelters**.  
552

553        (A) Emergency shelters may exceed their bed capacity as  
554 permitted under Chapter 36 of the Springfield City Code, when the  
555 Springfield-Greene County Health Department issues a heat or cold  
556 advisory or warning provided that said shelters shall not permit an  
557 occupancy for sleeping greater than permitted by City of  
558 Springfield building and safety codes."  
559

560        (B) Any emergency shelter, soup kitchen, transitional service  
561 shelter or combination of these three uses may exercise a transfer  
562 of development right to relocate all emergency shelter, soup  
563 kitchen or transitional service shelter uses from one location to  
564 another location that would be within the separations of such uses  
565 called for in this ordinance provided that City Council finds,  
566 following a recommendation by Planning and Zoning Commission, that  
567

568        (1) such relocation is not being made to the Center City  
569 District; and

570        (2) the relocation of said use or uses will reduce the  
571 intensity of similar uses in the area of the original  
572 location; and

573        (3) that the relocation will not pose any greater impact on  
574 the area to be relocated to than is present at the

//

5 original location from such uses; and  
6 (4) the use will be no closer to a soup kitchen, emergency  
577 shelter, or transitional shelter or any combination thereof  
578 than said use is presently to such facilities.  
579

580 Section 34 - Savings Clause. Nothing in this ordinance shall  
581 be construed to affect any suit or proceeding now pending in any  
582 court or any rights acquired or liability incurred nor any cause or  
583 causes of action occurred or existing, under any act or ordinance  
584 repealed hereby. Nor shall any right or remedy of any character be  
585 lost, impaired, or affected by this ordinance.  
586

587 Section 35 - Severability Clause. If any section, subsection,  
588 sentence, clause or phrase of this ordinance is for any reason held  
589 to be invalid, such decision shall not affect the validity of the  
590 remaining portions of this ordinance. The Council hereby declares  
591 that it would have adopted the ordinance and each section,  
592 subsection, sentence, clause or phrase thereof, irrespective of the  
593 fact that any one or more sections, subsections, sentences,  
594 clauses, or phrases be declared invalid.  
595

596 Section 36 - This ordinance shall be in full force and effect  
597 from and after passage.  
598  
599

600 Passed at meeting: December 15, 1997

601 Leland L. Lawrence  
602 Mayor  
603

604 Attest: Brenda M. Cate, City Clerk  
605

606 Approved as to form: [Signature], City Attorney  
607

608 Approved for Council action: [Signature], City Manager  
609  
610  
611  
612  
613  
614

N:\SHARE\CBILLS\SHELTER2.ORD

Aff. Agcy. Noticed \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_

EXPLANATION TO AMENDED SUBSTITUTE NO. 2  
TO COUNCIL BILL NO. 97 -

ORIGINATING DEPARTMENT: Law

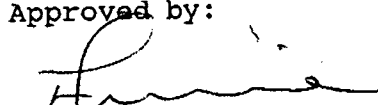
PURPOSE: To amend the Springfield Zoning Ordinance to add certain provisions to Chapter 36, Article I, Section 3-3300, and Division 4 which relates to District Regulations, with regard to the location of Emergency Shelters, Soup Kitchens, and Transitional Service Shelters.

REMARKS: Council member Vanaman's Substitute No. 2 for Council Bill 97-371 was amended during the November 24, 1997 meeting to change the separation distances between emergency shelters, soup kitchens and transitional service shelters of one mile and one-half mile to Two Thousand (2000) feet and to provide for an opportunity for pre-existing shelters, soup kitchens and transitional service shelters to exercise a transfer of development rights to move all services/uses from one location to another location within the Two Thousand (2000) foot distance if certain criteria are met. In all other respects, this bill is identical to Substitute No. 2.

Submitted by:

  
City Attorney

Approved by:

  
City Manager

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## QUESTIONS FOR LAW DEPARTMENT FROM THE COMMERCIAL STREET TASK FORCE

1. Is the "Good Faith Agreement" outdated?
2. Is the "Good Faith Agreement" a binding legal document?
3. Why is a "Social Service" different from a "Shelter"?
4. Why can a ministry be a "restaurant" in one place and a "Trade School" in another?
5. Why is it illegal to ask City Council to legislate against one individual business?
6. Why is zoning code described as "uses" rather than "business"?
7. Who normally asks for an over-lay district?
8. Why can a church meet anywhere in the city it wants to?
9. Can legal elaborate on what Mrs. Yendes briefly touched on regarding non-gender specific lodging arrangements when discussing the definition of a hostel?
10. Do we plan to have a legal definition of a hostel before finalizing our recommendation?
11. In the Zoning presentation that Ralph gave, we discussed a 2000 foot radius that concerned service shelters, soup kitchens, etc. In the interpretation from legal as to what Mr. Harriger is proposing, does that part of the zoning ordinance hold any weight?
12. How or do we need to amend or add to the ordinance to restrict the number of homeless shelters on the street regardless of whether it is called a shelter, a hostel, or a hotel without violating anyone's constitutional rights?
13. Since Council has adopted C-Street's Strategy for Success, can we require uses not specifically listed in the document to be screened by an independent board such as our CID Board or another specifically formed for this purpose to weigh in on potential negative impacts or out and out incompatibility with the strategy for success?
14. With future funding for approved projects in the TIF district coming partially from property taxes, can we limit or disallow any more properties from being removed from the tax roles inside the TIF/CID boundaries? It has been stated that there are currently 22 properties off the tax roles in the district. Is there any precedent for achieving a more healthy balance related to this issue?
15. Does the Good Faith Agreement have any additional legal weight as a part of the Midtown Plan which was adopted by City Council? I know similar language by Drury was also apart of the plan.